

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of

Florida Public Service Commission  
 Petition for Delegated Authority  
 to Implement Thousands-Block Pooling  
 in the 941 Area Code

Implementation of the Local Competition  
 Provisions of the Telecommunications Act of 1996

Numbering Resource Optimization

NSD File No. L-01-109

CC Docket No. 96-98

CC Docket No. 99-200

**COMMENTS  
 OF THE  
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association ("USTA")<sup>1</sup> hereby files its comments on the above-referenced petition filed by the Florida Public Service Commission ("Florida") for delegation of authority to implement thousand block pooling in the 941 NPA in the above-captioned proceedings.<sup>2</sup> Florida acknowledges that it was granted interim authority to conduct pooling trials in 1999,<sup>3</sup> but seeks additional authority "in an abundance of caution" that it may not have such authority in an NPA that is not in jeopardy, which it admits is the situation in the 941 NPA.

<sup>1</sup> The United States Telecom Association, formerly the United States Telephone Association, is the nation's oldest trade organization for the local exchange carrier industry. USTA represents more than 1200 telecommunications companies worldwide that provide a full array of voice, data and video services over wireline and wireless networks. USTA members support the concept of universal service and are leaders in the deployment of advanced telecommunications capabilities to American and international markets.

<sup>2</sup> Public Notice, DA 01-1354, released June 5, 2001 ("Public Notice").

<sup>3</sup> Order on Florida Petition, NSD File No. L-99-33, 14 FCC Rcd 17506 (1999) ("Florida Order").

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In its *Report and Order and Further Notice of Proposed Rule Making* in CC Docket No. 99-200 (“*First Report and Order*”),<sup>4</sup> the Commission adopted mandatory thousand block number pooling as a nationwide resource optimization strategy. The Commission further addressed numbering conservation issues in its *Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200* (“*Second Report and Order*”).<sup>5</sup> The Commission has consistently stated that it intends to develop a nationwide, uniform system of numbering, including thousand block pooling, and that such a system is “essential to the efficient delivery of telecommunications services in the United States.”<sup>6</sup> The Commission has further recognized that the industry, the Commission, and the states should work together to develop national methods to conserve and promote efficient use of numbers, but that those attempts “cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country.”<sup>7</sup>

USTA has steadfastly advocated that the Commission should adhere to its policy that orderly national numbering conservation and administration measures are essential to the optimization of the North American Numbering Plan (“NANP”). Included in those measures is thousand block number pooling.

USTA continues to be concerned over grant of authority to individual states to conduct broad thousand block pooling trials, which it perceives could be a threat to nationwide number conservation policies and procedures. To the extent Florida seeks additional authority that would

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<sup>4</sup> 15 FCC Rcd 7574 (2000).

<sup>5</sup> 16 FCC Rcd 306 (2000).

<sup>6</sup> *Memorandum Opinion and Order and Order on Reconsideration, Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, NSD File No. L-97-42, 13 FCC Rcd 19009 at ¶ 21 (1998).

frustrate the national number conservation plan, USTA opposes the request for the reasons articulated herein and in its earlier pleadings.

Now that the Commission has selected a National Thousands-Block Number Pooling Administrator, the rollout schedule for national pooling will commence in March 2002. In addition, the Commission has emphasized that individual state pooling trials are required to conform to the national standard, when available, and were given a transition period, which has now expired.<sup>8</sup> It makes no sense for states such as Florida to begin their own pooling trials at this stage of the game, particularly where the areas do not meet the Commission's criteria for pooling trials. In addition, USTA has continuously expressed concern over the deployment of software version 1.4 in state pooling trials. USTA realizes that if pooling is to be authorized in Florida, in the near term, version 1.4 may have to be deployed from a practical standpoint. USTA believes that implementation of software version 3.0 is preferred when available.<sup>9</sup>

In concert with expeditious implementation of national pooling, the Commission should adopt an adequate national cost recovery mechanism. However, carriers are already incurring significant costs related to state pooling trials as a result of Commission grant of individual state requests. The Commission has stated that such costs are state costs to be recovered through state-mandated cost recovery mechanisms. In fact, in the *Florida Order*, the Commission specifically required Florida to determine an adequate cost recovery mechanism. Despite this directive, USTA is unaware that Florida has initiated any cost recovery mechanism in compliance with this earlier directive, despite the fact that Florida has already implemented

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<sup>7</sup> *Id.*

<sup>8</sup> The specific date for state conformance to the national framework was specified to be three months from publication of the *Second Report and Order* in the Federal Register, which occurred on February 8, 2001. See 16 FCC Rcd at 328.

<sup>9</sup> See generally the record of the March 21, 2001 NANC Meeting, report of Michael O'Connor on the activities of the LLCs NPAC.

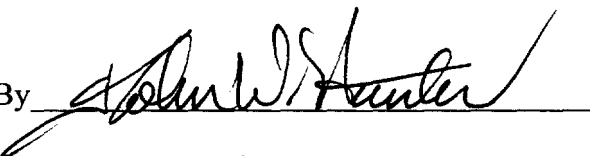
pooling trials in four MSAs and has scheduled implementation in two additional MSAs by September 17, 2001. Such as situation creates a significant problem for carriers engaged in state pooling trials. The Commission should require states to implement adequate cost recovery mechanisms as part of its grant of authority to conduct pooling trials. In this case, if the Commission is to grant Florida's request for this additional pooling trial, such grant must also include the responsibility that Florida adopt an adequate cost recovery mechanism.

### **Conclusion**

USTA urges the Commission to focus on national implementation of thousand block pooling, rather than allow individual states such as Florida to continue to implement temporary, inconsistent pooling trials. However, should the Commission grant Florida's request, USTA strongly advocates that the Commission condition such grant on the adoption and implementation of adequate cost recovery.

Respectfully submitted,

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June 22, 2001

**CERTIFICATE OF SERVICE**

I, Meena Joshi, do certify that on June 22, 2001, Comments Of The United States Telecom Association was either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the following person(s):

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